IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 1ST NOVEMBER 2007 / 10TH KARTHIKA 1929

WP(C).No. 25231 of 2007(D)

PETITIONERS:
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1. **JOYKUTTY, S/O. GEORGE, AGED 54 YEARS,**
   RESIDING AT KEEZHALLUR VEEDU,
   PADINJATTEKIZHAKKE MURI, SOORANAD NORTH VILLAGE,
   KOLLAM.

2. **ANNAMMA, W/O. JOYKUTTY, AGED 46 YEARS,**
   RESIDING AT KEEZHALLUR VEEDU, PADINJATTEKIZHAKKE
   MURI, SOORANAD NORTH VILLAGE, KOLLAM.

3. **RAHEL, W/O. GEORGE, AGED 72 YEARS,**
   RESIDING AT KEEZHALLUR VEEDU, PADINJATTEKIZHAKKE
   MURI, SOORANAD NORTH VILLAGE, KOLLAM.

BY ADV. SRI.P.B.SURESH KUMAR.

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY**
   THE CHIEF SECRETARY TO GOVERNMENT,
   GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. **THE DISTRICT SUPERINTENDENT OF POLICE,**
   KOLLAM.

3. **THE CIRCLE INSPECTOR OF POLICE,**
   SASTHAMKOTTA, KOLLAM.

4. **THE SUB INSPECTOR OF POLICE,**
   SOORANAD, KOLLAM.

W.P.(C). NO.25231/2007:

5. GEORGEKUTTY,
KAROTTU PUTHENVEEDU (DIJO VILLA),
PADINJATTE KIZHAKKE MURI, SOORANAD P.O.,
KOLLAM.

6. JOSE,
PULIVILAYIL PUTHEN VEEDU, ERAVICHIRA,
NADUVILEMURI, SOORANAD SOUTH, PATHARAM P.O.,
KOLLAM.

7. THANKACHAN,
PULIVILAYIL PUTHEN VEEDU, SOORANAD NORTH,
PADINJATTE KIZHAKKE MURI, SOORANAD P.O.,
KOLLAM.

BY ADV. SRI.NAGARAJ NARAYANAN FOR R6 & R7,
ADV. SRI. C.C. THOMAS FOR R5,
GOVT. PLEADER SRI. SALIM.P.A.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/11/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.25231/2007-D:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE I.P. NO. 12/2007 ON THE FILE OF THE SUB COURT, KOLLAM DTD. 02/08/2007.

EXT.P.2: COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONERS TO THE R.4. ON 02/08/2007.

EXT.P.3: COPY OF THE FIRST INFORMATION REPORT IN CRIME NO. 225/2007 OF SOORANAD POLICE STATION DTD. 12/08/2007.

RESPONDENT'S EXHIBIT:

EXT.R6.A: COPY OF THE REPRESENTATION SUBMITTED BEFORE THE SUPERINTENDENT OF POLICE, KOLLAM DTD. 20/08/2007.

//TRUE COPY//

prv.

K.BALAKRISHNAN NAIR & T.R.RAMACHANDRAN NAIR, JJ.

Writ Petition (C) No.25231 of 2007-D

Judgment

Balakrishnan Nair, J.

The first petitioner was running a chitty business. The second petitioner is his wife and the third petitioner is his mother. The business collapsed. The first petitioner owes substantial amounts to several persons. So, some of them have filed civil suits and also attached his properties. The first petitioner has filed IP No.12/07 before the Sub-court, Kollam. Ext.P1 is the petition in that case. But the erstwhile customers/subscribers are approaching him and threatening him. On 12.08.2007, 18 people trespassed into the petitioners' house at 8.30 pm and have taken away the vehicle owned by them. In the altercation, the petitioners suffered bodily injury also. Earlier also, there was threat from the part of the subscribers. So, they filed Ext.P2 representation before the Police, claiming police protection. After the incident on 12.08.2007, on the basis of the information lodged by the petitioners, a crime has been registered as evident from Ext.P3 FIR.

2. Respondents 5 to 7 are persistently harassing the petitioners and threatening to do away with them, it is alleged. So, this Writ Petition is filed,

seeking police protection. Respondents 5 to 7 deny all the allegations against them. They say, they are only demanding the money due to them. The petitioners have cheated them and several others, it is submitted.

3. The third respondent has filed a statement, stating that whenever information regarding commission of any cognizable offence was reported, crime was registered. The first petitioner has been seeking protection to escape from the persons to whom he owes substantial amounts, it is submitted.

4. Heard the learned counsel on both sides. The first petitioner who has collected amounts from the public and appropriated the same, now requires the Police to stand guard for him and his family members. The prayer of the petitioners could not be granted invoking this Court's discretionary jurisdiction under Article 226 of the Constitution of India. The petitioners can move the competent civil/criminal court for appropriate reliefs. Subject to that right, the Writ Petition is dismissed.

K.BALAKRISHNAN NAIR,JUDGE

01.11.2007 **T.R.RAMACHANDRAN NAIR, JUDGE**

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